

**From:** (b) (6), (b) (7)(C), (b) (7)(D)  
**To:** [Smith, Molly](#)  
**Cc:** [Schulte, Matthew](#); [Kuss, Hala](#)  
**Subject:** Re: Renergy/Emerald Bioenergy/Dovetail Energy LLC/Ohio EPA Investigation - Ohio EPA Correspondence  
**Date:** Tuesday, July 13, 2021 5:04:49 PM

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Ms Smith

I know this is a long email but it does capture a lot of concerns with this industry and the Ohio EPA. I would start at the bottom and read to the top. I still have some other documentation I'd like to send.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

-----Original Message-----

**From:** (b) (6), (b) (7)(C), (b) (7)(D)  
**To:** Mary.McCarron@epa.ohio.gov <Mary.McCarron@epa.ohio.gov>  
**Sent:** Tue, Jul 13, 2021 5:43 pm  
**Subject:** Re: Outstanding Inquiries

Mary

Thanks for your reply. But like so many answers we get from Ohio EPA it just leads to more questions. So here goes. I'll correlate my questions/comments to your numbering below.

2. I did speak to Mr. Gortner but I'm still not convinced of the answers provided. The issue of 150,000 gallons of wastewater (then his changing of the wording to wash water) still doesn't make sense. I searched the Ohio EPA's spill spreadsheet for the words wash water and there is no other entry in your entire spreadsheet? Why would that be? I've spoken to individuals that have been on Federal waste cleanup teams and they've never heard of the term wash water. Even if I bought the argument that wash water was used to dilute the spill, it should have been captured down stream. In the Ohio EPA spill database it shows only 250 gallons captured. Why wasn't the wash water captured? There are a great number of concerns regarding this spill. It appears that either the Ohio EPA dropped the ball and/or believes the narrative that Renergy provided to the Ohio EPA when eye witnesses can attest to what really happened. I'm asking for another review of this spill from top to bottom. Either Ohio EPA can attempt to do the job or we can let Region 5 of the Federal EPA come in and do an investigation.

4. Between Renergy's Dovetail and Emerald facilities over 25 Notice of Violations (NOVs) have been issued by the Ohio EPA and these are only the NOVs that are available to be seen by the public. I understand the Ohio EPA's stance on attempting to bring a company back into compliance but on the surface it looks like your agency is not following your verbiage:

**“The Ohio Environmental Protection Agency is a trusted leader and environmental steward using innovation, quality service and public involvement to ensure a safe and healthy environment for all Ohioans.**

**Ohio EPA's goal is to protect the environment and public health by ensuring compliance with environmental laws and demonstrating**

## leadership in environmental stewardship.”

By allowing Renergy to rack up violation after violation you are putting their operations above the very priorities you've stated above: environment and public health. Again, Ohio EPA can stand up and follow your own guidance or we can have Region 5 investigate this issue as well?

5/6. We've shared our odor data and statistics with the Ohio EPA. We've demonstrated that over 80% of the time the odors are outside the Ohio EPA's working hours. We would like the Ohio EPA to install odor detection units in the locations where the majority of the complaints are coming from. At this point local citizens are having a hard time trusting the Ohio EPA due to prior lack of responses. Our group has attempted to get fellow citizens to report via your online application but we keep hearing "why should I report it to them because they haven't helped us in the past."

7. We are requesting copies of all inspections of both biodigesters themselves, underground storage tanks, flares and the lagoons. Citizens that live extremely close to both biodigesters know the sounds associated with these facilities and we've been told they do not believe that the biodigesters and flares have been in operation for months (Emerald since the fire last summer and Dovetail for at least 4-5 months).

8/9. We have yet to see anything other than a 1 page spill plan for these facilities. These facilities have underground storage tanks, have an extremely high volume of material that could be harmful to the environment if released at once and produce methane along with other gases that should have an emergency management plan. During one of our conversations you stated that the Ohio EPA response team would be sent to either facility if an emergency occurred. We also discussed that on a good day it would take that team at least an hour to get to either facility and in the meantime local fire/EMS would be the first responders. I can tell you at our location, Dovetail, the fire/EMS department knows absolutely nothing about this facility. By not requiring an emergency management plan the Ohio EPA has put our fire/EMS department at risk due to the fact that they have no idea what they are responding to.

We also talked about what Renergy would do with the 5.5 million gallons (at our Dovetail facility) if a catastrophe occurred. Your answers to this question absolutely scares our community. Local farmers that have their fields in the beneficial use site (BUS) program and DO NOT apply biosolids to their farmland now or in the past have no idea that in an emergency biosolids could be applied to their land without their knowledge. Was this communicated to the farmers, or owners of this land when they were admitted to the program? What happens when conscious farmers learn about this and start pulling their farmland out of the program? Can anyone provide us with a calculation of how many acres it would take to disburse 5.5 million gallons of biosolids if a catastrophic event occurred?

We'd also like to know more about the other avenues you list as ways to handle the large amount of biosolids in a catastrophic event. What facilities are on the approved list to accept large amounts of biosolids? Is our facility on the list to accept biosolids from another facility if they were to have a catastrophic event? From information we've gathered, all of Renergy's facilities are at or near capacity now and this seems to be an ongoing problem with the entire industry. So where would they store 5.5 million gallons? Emerald has over 30 million gallons. Where are they going to store that large amount of biosolids?

Our facility sits above a sole source aquifer, is located less than 1.5 miles from a blasting company and has had tornadoes pass less than .5 miles from it. We consulted with a local university professor that studies underground water issues. We asked him if the side of the local Dovetail lagoon gives way and there is a massive breach would our sole source aquifer be contaminated before they could get it cleaned up? His answer was "absolutely." These questions should all be addressed in an emergency management plan.

10. So Ohio EPA permits these operations but you don't fine or issue NOVs for any emergency events that happen with this industry? The Ohio EPA doesn't require an emergency management plan that

would/could include inspections and/or directions from other Ohio agencies (Department of Commerce, Ohio Emergency Management Agency, Department of Agriculture, Department of Natural Resources, etc). Was the fire at the Emerald facility even reported to the Department of Commerce or the Ohio Fire Marshal? At the very least I would have thought that the Ohio EPA would want to see these reports to ensure that the biodigester, flares and underground storage tanks are up to standard and can operate in a safe way as you do permit those operations. We would like to see all documentation dealing with the fire at the Emerald facility last year.

11. I will email separately on a time/date to set up a phone call with your agency to discuss these and other issues.

And this brings me to our last concern. Does the Ohio EPA have a plan to deal with the massive increase in incoming and outgoing products that this industry is producing? We've seen an extreme decrease in demand by farmers wanting to apply these products to their farmland, thus decreasing the amount of profit to Renergy for the end product. So it stands to reason that for Renergy to stay in business they have to change their business model to increase the volume of incoming products. With an increase in incoming product and a decrease of outgoing product Renergy has to obtain more storage ponds/lagoons to store the biosolids. We believe they are playing a shell game right now until they can either get the Ohio EPA to approve more ponds/lagoons or they go to a Land Application Management Plan (LAMP) that bypasses the anaerobic digestion all together, case in point Steamtown (H2-OH-YEAH). We were told that these ponds were for temporary storage but they've been in operation for almost 4 years. I don't consider that temporary and leads me straight back to the question regarding the overall plan to deal with this increase in product that no one wants? We've also seen emails from the Ohio EPA concerning product from Steamtown (untreated product) being applied to growing crops, not just the soil.

The citizens of Ohio depend on the Ohio EPA to protect our environment and public health but to be perfectly honest we are seeing more attention paid to helping businesses and industries than ensuring all Buckeyes have clean air and water.

(b) (6), (b) (7)(C), (b) (7)(D)

[Sent from the all new AOL app for iOS](#)

On Friday, July 9, 2021, 6:23 PM, Mary.McCarron@epa.ohio.gov  
<Mary.McCarron@epa.ohio.gov> wrote:

(b) (6), (b) (7)(C)

Here are the responses to your outstanding inquiries. I did follow up today with our records staff regarding your request. I will let you know the status when I hear back.

1. The issue regarding (b) (6), (b) (7)(C) that you emailed Heidi about.
  - I spoke with Heidi Griesmer and am responding on her behalf. This is a personnel issue but I can assure you that the issue was addressed with (b) (7)(C), (b) (6) and our Office of Employee Services.
2. Issues with the spill database.
  - I understand you spoke with Mr. Gortner on this concern.
3. Records requests: Correspondence regarding Renergy from Nov 2020 to June 21, 2021. (including all NOV's and "field NOV's" issued). Also would like copies of any tests we've done on the lagoons (as to what the constituents are in the lagoons). The current NPDES permit for Steamtown. Correspondence between Gretchen Craycraft and legislators or staff regarding House Bill 7.
  - I submitted this request to Rich Boudier on June 21.
4. Has Renergy ever been fined? Will they be fined?

- Renergy has not been issued a fine. However, Renergy is accountable for the cost of cleaning up any spills or releases for which they are responsible. This includes Emergency Response staff time during an incident response.
5. Odor is worse during humid times of the day, but those aren't the times Ohio EPA does odor surveillance.
    - If someone submits a specific complaint after hours or on a weekend, our office can still log it if we have sufficient details. You may report odor or any other complaints [online](#). Reporting odors you may experience to Ohio EPA is an important part of the regulatory process and our team will continue to conduct odor surveillance around the facility. Ohio EPA staff has been conducting odor surveillance inspections two days/week since mid-April at various days/times through the week. This includes during varying weather conditions (early morning hours with high humidity). Information about Ohio EPA's odor surveillance and inspection results as well as correspondence and permitting is available using Ohio EPA's [eDocument](#) system.
  6. SmellMyCity App spreadsheet.
    - I have shared that information with our biosolids staff. I do encourage you and others to continue submitting odor concerns to Ohio EPA as well. The Agency has received many odor complaints through the [Complaint Tracker](#), which is Ohio EPA's official portal for the public to communicate allegations of actions that violate Ohio's environmental rules and regulations. Ohio EPA's primary response to the complaints is to investigate in order to determine the validity of the allegations. While inspectors have noted slight off-site odors attributed to the facility on occasion, Ohio EPA has rarely documented strong off-site odors originating from Dovetail.
  7. Do we check and do inspections on the biodigester itself to make sure it's running properly?
    - Ohio EPA frequently inspects Renergy's biodigestion facilities and routinely conducts inspections in response to specific complaints. Like any other facility, if they violate regulatory requirements, Ohio EPA would typically issue a Notice of Violation letter and work with the company to address noncompliance. If noncompliance continues, the matter would be escalated through normal enforcement processes within the Agency. Most of the violations that the company has had over the last several years have been things like failures to properly post signage at farm fields, paperwork issues and the volume of material they have in their lagoons. While violations of these rules are not insignificant, we've seen no evidence that they have created a threat to human health.
  8. You reiterated that although an Emergency Management Plan is not required in the permit, it should be.
    - I passed this on to biosolids staff.
  9. If there is a catastrophic event, can Renergy truck it from Dovetail to Emerald or vice versa? There won't be enough fields in the Beneficial Use program to handle the millions of gallons spilled if a tornado rips through a lagoon.
    - In the event of a catastrophic event, Renegy could land-apply biosolids to approved fields or ship the material to facilities that can legally accept

the waste and process, dispose of, or store the material.

10. Was an NOV issued for the Emerald fire?
  - Renergy was not issued an NOV related to the fire at the Emerald facility. Ohio EPA does not regulate this. The fire falls under the Ohio fire code. This enforcement falls under Ohio's Fire Marshal under the Ohio Department of Commerce and is not a requirement for Ohio EPA's permit process. More information on this office can be found here: <https://www.com.ohio.gov/fire/>.
11. Phone call to discuss issues with biosolids staff.
  - Please send me some dates/times in the coming weeks you are available for this call.
12. Why, in 2017 and 2015 could Ohio EPA file orders to Quasar regarding odors and violations, but we will not do the same for Renergy today?
  - Ohio EPA attempts to work with facilities to resolve violations and facilitate a return to compliance with the terms and conditions of the permit and the use of enforcement actions to address violations is a potential option based on the severity of the issues.

Mary McCarron  
Manager, Public Involvement  
Ohio EPA  
Public Interest Center  
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